



COUNCIL MEETING MINUTES
December 11th, 2017

The City Council of the City of Nixon met in Regular Meeting on the 11th, day of December 2017 at 6:00 p.m. at the Nixon City Hall Boardroom, Nixon, Texas 78140.

Members present were: Madam Mayor Finch, Patricia Dingler, Justin La Fleur, Mary Ann Fatheree and Joseph Bjorgaard. Doug Koenig was absent. Also present were Harold Rice, Gina Trotter, Chief Toliver, Office Ruppert, Officer Hatcher, Jason Torres, Don Finch and Eddie Escobar.

Roll call was declared present and the meeting was called to order by the Madam Mayor Finch.

A prayer was given by Joseph Bjorgaard.

The pledges were recited.

Citizen Participation – NONE

Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur to approve the minutes from the November 13th, 2017 special meeting. Motion carried 4-0.

Fire Chief Report was presented by Jason Torres.

Motion was made by Joseph Bjorgaard and seconded by Mary Ann Fatheree to approve the financial statements and unpaid bills. Motion carried 4-0.

Third Reading of the Texas Gas Service Franchise Agreement was read by Madam Mayor Finch. AN ORDINANCE GRANTING TO ONE GAS, INC., ACTING BY AND

THROUGH ITS TEXAS GAS SERVICE COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF FIFTEEN (15) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC WAYS OF THE CITY OF NIXON, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING THAT THE CITY MAY ENACT AN ORDINANCE CHARGING PERSONS TRANSPORTING GAS THROUGH GRANTEE'S DISTRIBUTION SYSTEM A FEE ON THE CALCULATED VALUE OF SUCH TRANSPORTED GAS; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF NIXON; PROVIDING FOR GRANTEE'S RULES AND REGULATIONS; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE. Upon motion of alderman Joseph Bjorgaard seconded by alderman Justin La Fleur that the ordinance be adopted: AYES 4 NAYES 0. Motion carried this 13th day of November 2017.

Discussion was made with council on changing the meeting day to the 2nd Tuesday of the month. Motion was made by Justin La Fleur and seconded by Joseph Bjorgaard to change the council meeting days to the 2nd Tuesday of the month. Motion was made by Justin La Fleur rescind his motion and keep meetings on 2nd Monday.

Discussion was made by City Attorney Eddie Escobar on defining setbacks for a dwelling and what is and is not allowable within the area of a setback. Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur to table this until next meeting. Motion carried 4-0.

Discussion was made by City Manager Harold Rice and council on the building permit cost. Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur to revisit this item in 15 minutes Motion carried 4-0.

Discussion was made with Chief of Police and Council. Chief Toliver spoke to council on his concerns of hiring a patrol officer/certified code enforcer, he feels maybe hiring a

police officer to become a building inspector will be better for the department. Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur to hire a building inspector, which would include training for a level 1 and 2 code enforcer and hotel and travel as the Chief sees needed for the position. Also a contract must be signed for a 2 year period once the course has been completed and if he/she does not fulfill contract or leave for time certified then they would need to pay back money for the training course to the department. Motion carried 4-0.

Motion was made by Justin La Fleur and seconded by Joseph Bjorgaard to adjust construction building rates not including move ins and new building construction to our pervious rates. Motion carried 4-0. Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur to change the demolition fee from \$50.00 to \$5.00. Motion carried 4-0.

Motion was made by Joseph Bjorgaard and seconded by Mary Ann Fatheree to award the DR-4223 Project #49 Emergency Warning System to Storm Siren Inc. for the amount of \$25,750.00for with the galvanized pole. Motion carried 4-0.

Motion was made Joseph Bjorgaard and seconded by Mary Ann Fatheree to allow the City Manager to hire up to 2 employees for the position of outside laborer. Motion carried 4-0.

Motion was by Joseph Bjorgaard and seconded by Justin La Fleur to adopt an ordinance for the 2015 International Plumbing Code and all future editions as published by the International Code Council (ICC). Motion carried 4-0.

Police Chief Report was given by Chief Toliver

City Administrator Report was given by Interim City Manager Harold Rice

Council came out of regular session at 7:39 pm and went into Executive Session under Texas Government Code Section 551.071 Consultation with Attorney: **Passion for Paws** at 7:44 pm

Council ended its Executive Session as per Texas Government Code Section 551.071 Consultation with Attorney: **Passion for Paws** at 8:28 pm and entered its regular session at 8:30 pm

Motion was made by Joseph Bjorgaard and seconded by Justin La Fleur that our City Manager will communicate with Passion for Paws to get specification for a new building for their organization, I also move that once specs are received by City Manager, that

sealed bids be requested. Bids to include time of commencement of project and project completion and building specs to include plumbing and electrical access. Motion carried 4-0.

Motion was made by Joseph Bjorgaard and seconded by Patricia Dingler to adjourn the meeting. Motion carried 4-0.



Attest
Gina Trotter
City Secretary

Madam Mayor Finch
Doug Koenig
Patricia Dingler
Justin La Fleur
Joseph Bjorgaard
Mary Ann Fatheree